

**\*E-FILED - 5/7/09\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY ANDRES MONTES,	)	No. C 09-0209 RMW (PR)
	)	
Petitioner,	)	ORDER OF TRANSFER
	)	
vs.	)	
	)	
ROBERT HOREL,	)	
	)	
Respondent.	)	
_____	)	

Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on April 2, 2009. Petitioner seeks habeas relief from his underlying criminal conviction and sentence in Los Angeles Superior Court, which lies in the Central District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction or sentence are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, the Central District of California is the district of conviction.

Accordingly, this case is TRANSFERRED to the United States District Court for the Central District of California, the district of petitioner's conviction at issue in this petition. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The clerk shall terminate any pending motions

1 and transfer the entire file to the Central District of California.

2 IT IS SO ORDERED.

3 DATED: 5/6/09

  
RONALD M. WHYTE  
United States District Judge